

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD GEORGE LESEMAN,

Defendant.

CASE NO. CR15-5404BHS

ORDER CONTINUING TRIAL
DATE AND PRETRIAL MOTIONS
DUE DATE

This matter comes before the Court on Defendant's Unopposed Motion to Continue Trial Date and Pretrial Motions Due Date. The Court, having considered the unopposed motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. The defense needs time to hire an expert to evaluate and further review forensic evidence received from the government in initial discovery. Given the incomplete status of the investigation, the defense has not been able to explore potential legal or factual issues for purposes of pretrial motions.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of
3 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 4. Proceeding to trial absent adequate time for the defense to prepare would result in a
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

6 5. The ends of justice served by granting this continuance outweigh the best interests of
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

8 6. Defendant waived speedy trial through January 31, 2016.

9 NOW, THEREFORE, IT IS HEREBY ORDERED

10 That the trial date is continued from October 20, 2015, to January 26, 2016 at 9:00 a.m.;
11 Pretrial Conference is set for January 19, 2016, at 1:30 p.m.; pretrial motions are due by
12 December 30, 2015. The resulting period of delay from September 22, 2015, to January 26,
2016, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

13 Dated this 24th day of September, 2015.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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